

## **Remarks**

In the Office Action dated March 11, 2005, the Examiner rejected claims 1-4 under 35 U.S.C. 103(a) over Kaneko ('066). Claim 1 has been amended to present it in a better form, narrow its scope and amplify the elements that distinguish this invention from that claimed in the '066 patent.

Applicant respectfully submits that Claim 1, as amended, is supported by the specification as originally filed. No new matter has been added. Claims 2-4 have been cancelled.

Specifically, the '066 patent is directed to, in essence, monitoring to make sure that what a VCR is recording is the same (as far as the quality of the image) as the broadcast received via antenna that is being recorded (applicant notes that the VCR is not playing at the time of this monitoring as it is impossible to synchronize the VCR playback with the identical content transmitted over the air and recorded by the VCR). To this end, broadcast signal from antenna 31 is sent to a signal distributor 32, from where it is split into two parts and sent to a TV receiver (i.e. 33A, 23A and 35A) and VCR (i.e. 33B, 34B and 35B).

By way of a switch 36, the signals from the TV receiver and VCR can be monitored on the display 12, such that only half of each image coming from the TV receiver and VCR can be viewed at any given time.

In contrast, the present invention provides for full images of the degraded and reference video signals viewed simultaneously on the video display for comparison. Further, the reference video signal (even though it is calibrated to be identical to the video signal being tested for degradation) is a separate signal, as opposed to the broadcast signal in the '066 patent that is merely split into two parts.

Perhaps the most important aspect of the present invention is that the reference video signal may be applied to the means of synchronizing and combining video signals a long distance away from the source of the video signal being tested for degradation. By way of illustration, suppose the source of the video signal being tested for degradation (for example a computer) is located on the first floor of an office building. This computer is connected, by a 500 foot cable, to a video display located in a board room several floors away from the computer. Obviously, the 500 foot cable will degrade the video signal. In order to assess the degradation, the reference video signal can be applied to the means of synchronizing and combining video signals virtually next to the video display and full images of both degraded and reference video signals can be viewed simultaneously on the video display to assess the degradation.

Clearly, the '066 patent does not make such testing possible.

Based on the above, applicant respectfully argues the following:

- (1) The '066 patent is teaching away from the invention disclosed in this application, therefore, the '066 patent is not available as reference for the purpose of Section 102. (See *In re Gurley*, 27 F.3d 551, 31 USPQ 2d 1130, 1131 (Fed. Cir. 1994).)
- (2) At the very least, the '066 patent neither teaches nor suggests applying a reference video signal, identical to the video signal being tested for degradation, to the means of synchronizing and combining video signals that may be located a long distance away from the source of the video signal being tested and displaying full images of the degraded and reference video signals simultaneously on different portions of the video display to assess the degradation.

Accordingly, applicant submits that Claim 1 is in condition for allowance.

**Conclusion**

For all the reasons advanced above, applicant respectfully submits that the application is in condition for allowance and that action is earnestly solicited.

Respectfully submitted,

  
Vladimir Khiterer

Enclosure

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